

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LAVOHO, LLC successor in interest to  
DIESEL EBOOKS, LLC,

Plaintiff,

v.

APPLE INC.; HACHETTE BOOK GROUP,  
INC.; HARPERCOLLINS PUBLISHERS,  
L.L.C.; VERLAGSGRUPPE GEORG VON  
HOLTZBRINCK GMBH; HOLTZBRINCK  
PUBLISHERS, LLC d/b/a MACMILLAN;  
THE PENGUIN GROUP, A DIVISION OF  
PEARSON PLC.; and SIMON &  
SCHUSTER, INC.

Defendants.

CASE NO.: 14 Civ. 2000 (DLC)

**NOTICE OF DIESEL EBOOKS, LLC'S  
CONSOLIDATED MOTION FOR SUMMARY JUDGMENT AS TO THE  
COUNTERCLAIMS OF MACMILLAN AND SIMON & SCHUSTER AND FOR  
PARTIAL SUMMARY JUDGMENT ON THE COPYRIGHT AND FRAUD CAUSES OF  
ACTION IN THE COUNTERCLAIMS OF HARPERCOLLINS, PENGUIN AND  
HACHETTE**

PLEASE TAKE NOTICE that Plaintiff-Counterclaim Defendant Diesel eBooks, LLC will move this Court, before the Honorable Denise L. Cote, United States District Judge, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, under Federal Rule of Civil Procedure 56, for an order granting summary judgment and dismissing with prejudice the counterclaims of Defendant-Counterclaim Plaintiff Simon & Schuster, Inc. and Defendant-Counterclaim Plaintiff Holtzbrinck Publishers, LLC d/b/a Macmillan. Plaintiff-Counterclaim Defendant Diesel eBooks, LLC will further move this Court under Fed. R. Civ. P. 56 for an order granting partial summary judgment and dismissing with

prejudice the causes of action for copyright infringement and fraud alleged in the counterclaims of Defendant-Counterclaim Plaintiff Hachette Book Group, Inc., Defendant-Counterclaim Plaintiff HarperCollins Publishers L.L.C., and Defendant-Counterclaim Plaintiff The Penguin Group PLC. This Consolidated Motion is based on the accompanying Memorandum of Law, the Statement of Undisputed Facts, and the Declarations of L. Scott Redford and Harold Collins and exhibits attached thereto.

Dated: September 18, 2015

Respectfully submitted,  
BLECHER COLLINS PEPPERMAN & JOYE, P.C.

By: /s/ Maxwell M. Blecher  
Maxwell M. Blecher (pro hac vice)

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*Local Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2015, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system.

Dated: September 18, 2015

BLECHER COLLINS PEPPERMAN & JOYE, P.C.

By:

/s/ Maxwell M. Blecher

Maxwell M. Blecher  
Attorneys for Plaintiff Diesel eBooks, LLC

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